



House of Representatives

General Assembly

File No. 566

January Session, 2001

Substitute House Bill No. 5832

House of Representatives, May 2, 2001

The Committee on Judiciary reported through REP. LAWLOR of the 99th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING DAMAGES FOR THE UNLAWFUL KILLING OR INJURING OF COMPANION ANIMALS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. (NEW) (a) For the purposes of this section, "companion
2 animal" means a domesticated, warm-blooded animal that is normally
3 maintained in or near the household of its owner or keeper and is
4 dependent on a person for food, shelter and veterinary care, but does
5 not include an animal kept for farming or biomedical research
6 practices.
- 7 (b) Any person who negligently kills or injures a companion animal,
8 except as authorized by law, shall be liable to the owner of such
9 companion animal for economic damages sustained by such owner
10 including, but not limited to, expenses of veterinary care, the fair
11 monetary value of a deceased companion animal and burial expenses
12 for a deceased companion animal.

13 (c) Any person who intentionally or recklessly kills or injures a
14 companion animal, except as authorized by law, shall be liable to the
15 owner of such companion animal for (1) economic damages sustained
16 by such owner including, but not limited to, expenses of veterinary
17 care, the fair monetary value of a deceased companion animal and
18 burial expenses for a deceased companion animal, and (2)
19 noneconomic damages sustained by such owner, in an amount not to
20 exceed the jurisdictional monetary limit established by subsection (d)
21 of section 51-15 of the general statutes, including, but not limited to,
22 mental and emotional suffering and damages for the loss of the
23 reasonably expected society, companionship, affection and services of
24 such companion animal. The provisions of subdivision (2) of this
25 subsection shall not be applicable to a veterinarian licensed pursuant
26 to chapter 384 of the general statutes.

27 Sec. 2. Section 22-351 of the general statutes is repealed and the
28 following is substituted in lieu thereof:

29 Any person who steals, confines or conceals any dog, or who, with
30 the intention of stealing such dog or concealing its identity or the
31 identity of its owner or with the intention of concealing the fact that
32 the dog is licensed, removes the collar or harness or tag from any
33 licensed dog, or who unlawfully kills or injures any dog, shall be fined
34 not more than two hundred dollars or imprisoned not more than six
35 months or both, and shall also be liable to the owner in a civil action,
36 except that, if such person unlawfully kills or injures any dog, such
37 person shall be liable to the owner in a civil action as provided in
38 section 1 of this act. For a second offense, or for an offense involving
39 more than one dog, any such person shall be fined not more than five
40 hundred dollars or imprisoned not less than one year nor more than
41 three years or be both fined and imprisoned.

JUD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Affected Agencies: Judicial Department

Municipal Impact: None

Explanation**State Impact:**

The bill expands the civil liability of someone who unlawfully kills or injures a dog to include economic damages such as burial expenses and noneconomic damages such as emotional suffering. It is anticipated that the superior court would be able to accommodate within available resources any increase in the number of small claims court cases heard due to this bill.

OLR Bill Analysis

sHB 5832

AN ACT CONCERNING DAMAGES FOR THE UNLAWFUL KILLING OR INJURING OF COMPANION ANIMALS.**SUMMARY:**

This bill makes those who intentionally or recklessly kill or injure a companion animal, except as authorized by law, liable to the animal's owner for economic damages and noneconomic damages up to the jurisdictional level established for small claims court (currently \$3,500). Under the bill, noneconomic damages include, but are not limited to, mental and emotional suffering and loss of the reasonably expected society, companionship, affection, and services of the companion animal. Connecticut common law does not currently allow the recovery of noneconomic damages for intentionally or recklessly killing or injuring an animal.

The bill makes those who negligently kill or injure a companion animal liable to the owner for economic damages. Under the bill, economic damages include, but are not limited to, veterinary care expenses, the deceased animal's fair market value, and burial expenses. Under the common law (judge made) people are liable for negligently killing an animal, but it appears damages are limited to the deceased animal's fair market value. It is unclear what the measure of damages is under Connecticut common law for negligently injuring an animal.

The bill defines a companion animal as a domesticated, warm-blooded animal that is normally maintained in or near the home of its owner or keeper and is dependent on someone for its food, shelter, and veterinary care. The bill excludes from its coverage animals kept for farming or biomedical research.

EFFECTIVE DATE: October 1, 2001

BACKGROUND***Common Law***

Under Connecticut common law, someone who willfully, wantonly, or negligently kills or injures an animal is liable to the animal's owner for damages (*Soucy v. Wysocki* 139 Conn. 162 (1953); *Griffin v. Fancher* 127 Conn. 686 (1941)).

Damages for Death or Injury of Such Animals

There is little case law in Connecticut on the damages available for killing or injuring an animal. But generally the common law has treated animals as personal property and limited damages for an animal's death to its market value when it died. Fair market value depends on such things as purchase price, age, health, breed, training, usefulness, and any special limits of value including some of the animal's special qualities (4 Am. Jur. 2nd Animals, S 162; 70 N.Y.U.L. Rev 1059 (1995)).

Related Statutes

Anyone who unlawfully kills or injures a dog is subject to a fine of up to \$250 or imprisonment for up to six months or both for a first offense. For a second offense, or for any offense involving more than one dog, the penalty is a fine of up to \$500 or imprisonment for one to three years or both. Also, he is liable to the owner in a lawsuit.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 40 Nay 0